

**United States Court of Appeals** *USDC-NH*  
**For the First Circuit** *U.S. DISTRICT COURT*  
*DISTRICT OF NEW HAMPSHIRE*  
*FILED* *04-00216-NH*

No. 06-1883

2007 MAR 30 A 10:00

UNITED STATES OF AMERICA,

Appellee,

v.

JAMES TOBIN,

Defendant, Appellant.

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**JUDGMENT**

Entered: March 21, 2007

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FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By: *SB* Date: *3/21/2007*

This cause came on to be heard on appeal from the United States District Court for the District of New Hampshire and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of conviction and sentence is reversed, and the case is remanded to the district court for further proceedings consistent with the opinion issued this day.

By the Court:

**RICHARD CUSHING DONOVAN**

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Richard Cushing Donovan, Clerk

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[Certified copies to Hon. Steven J. McAuliffe and Mr. James Starr, Clerk, United States District Court for New Hampshire. Copies to Mr. Levchuk, Ms. Chinn, Mr. Marsh, Mr. Nucci, Ms. Stansell-Gamm, Mr. Bondi, Mr. Butswinkas, Mr. Black, Mr. Romero, Ms. Shanahan, & Mr. Kester.]